

## **MINUTES**

The Tennessee State Board of Cosmetology held a meeting on August 4, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, Linda Colley, Vice Chairman, June Huckeby, Muriel Smith, Nina Coppinger, Janet Wormsley, Judy Golden and Pearl Eva Walker. Lee Bowles was not present.

Other present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman H. D. Adcock welcomed everyone to the board meeting.

Chairman H. D. Adcock called for roll call.

## **MINUTES**

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the minutes from the June 2, 2008 board meeting. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Michael Martin, Georgia Career Institute – Present. Mr. Martin gave a presentation of the continuing education program, (The Master Educator program by Milady) for Georgia Career Institute and is requesting approval from the Board for this program as the required sixteen (16) hours of continuing education hours for cosmetology instructors in Tennessee.

The board had a long discussion on this issue. Ms. Pearl Walker stated that she attend the Master Educator Program and enjoyed it very much and stated it was very interactive. Ms. Linda Colley stated she was not present when the board approved another school for this program. Ms. Colley concern was that if other schools start offering these programs would the cost of the universities that offer the seminars increase. Ms. Judy Golden stated that other programs will need to be added due to the instructors that are only licensed to teach either manicuring or esthetics. Ms. Nina Coppinger stated that the Master Educator Program is a very good program. Ms. June Huckeby stated the universities will need information on the Master Education Program sent to them for review.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to approve the program for Georgia Career Institute and to send the universities that provide cosmetology continuing education seminars information to review on the Milady Master Educator Program for consideration in their seminar programs. Motion carried unanimously.

Jamie Scott, Coffee County Beauty Academy – Ms. Sybil Sellari – Present. Ms. Scott sent Ms. Waller an email with complaints about scoring of the cosmetology instructor examinations at the Nashville PSI test site. Ms. Scott stated in her email that students are going to other locations instead of the Middle Tennessee location due to the fact that they feel that they are being treated disrespectful and they are not being graded fairly. Ms. Pearl Walker stated that she went to the site to test and she walked out due to unprofessionalism and rudeness. Ms. Sellari presented to the board what she presented at the Nashville PSI site. She did not feel she was treated properly at the site. Ms. Sellari failed her instructor examination.

After much discussion the Board advised they cannot override the PSI Test score. Chairman H. D. Adcock suggested Ms. Sellari go to another test site to retake the exam and report back to the board her test results.

An application for a new school of cosmetology from Remington College Nashville Campus was presented to the Board of Cosmetology at the June 2, 2008 meeting. The Board voted to have the Board Member and Board Inspector visit the school for inspection and if the school was found in compliance with all requirements the school could be approved to open due to the fact we were not having a board meeting in July. Ms. Linda Colley, Board Member and Barbara Hendrix, Inspector inspected the school on June 10, 2008 and found the school to be in compliance with all requirements for operation of a school of cosmetology in Tennessee. The school was granted approval to open.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Walker to accept the opening of the school. Motion carried unanimously.

An application for a new school of cosmetology Regency Beauty Institute was presented at the May 9, 2008 meeting. Regency Beauty Institute's Representative appeared before the Board at the June 2, 2008 meeting to clear up issues concerning the application and required supporting documents. The Board voted at the June 2, 2008 meeting to have the Board Member and Board Inspector visit the school for inspection and if the school was found to be in compliance with all requirements the school could be approved to open due to the fact we were not having a board meeting in July. Ms. Linda Colley, Board Member and Barbara Hendrix, Inspector inspected the school July 8, 2008 and found the school to be in compliance with all requirements for operation of a school of cosmetology in Tennessee. The school was granted approval to open.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept the opening of the school. Motion carried unanimously.

During the inspection of Remington College Nashville Campus the issue of the sign for the school was discussed and Ms. Colley advised the school the board would discuss the sign at the August meeting. The board was presented with a copy of the sign which was emailed, and it states "Remington College Nashville Campus - The Salon at Remington".

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Mr. Terrance Bond, Staff Attorney send the school a letter concerning the sign being misleading. Motion carried unanimously.

An application for a new school of cosmetology, Vatterott Career College located at 6991 Appling Farms Pkwy in Memphis, Tennessee which was presented to the Board of Cosmetology at the June 2, 2008 meeting. The Board voted to have the Board Member and Inspector for the area inspect the school and if in compliance with all requirements the school could be approved to open due to the fact we were not having a board meeting July. Ms. Pearl Walker, Board Member and Mr. Jerry Biddle, Inspector visited the school for inspection on June 9, 2008 and found the school to be in compliance with all requirements for operation of a school of cosmetology in Tennessee. The school was granted approval to open.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to accept the opening of the school. Motion carried unanimously.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request that if a complete address is not filled out to return the application to the school. Motion carried unanimously.

An application for a change of name for the Vatterott College School of cosmetology located at 2655 Dividend Drive in Memphis, Tennessee to Vatterott Career College. The proof of name change on surety bond was provided.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the name change. Motion carried unanimously.

An application for change of ownership for Coffee County Beauty Academy located in Tullahoma, Tennessee from Jamie Scott to Diana Buchanan was presented to the board. A letter of credit was provided.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to accept the change of ownership. Motion carried unanimously.

Volunteer Beauty Academy located at 5338 Charlotte Ave. in Nashville, Tennessee has requested inspection for approval to offer the esthetics program at the cosmetology school. Ms. Linda Colley, Board Member inspected the esthetics department on June 10, 2008 and was approved.

Notification from Knox International 2000 Beauty College Owner Mr. Harry Knox advising the school has closed and is seeking a new location was presented to the board. The last monthly hour report attached is for April 2008. Ms. Beverly Waller stated she needs clarification from the Board as to if Mr. Knox finds a new location he will be required to apply for a new school of cosmetology and will be required to submit true and exact copies of applications for at least twenty (20) students (not including students

transferring from another school, instructor trainees, or junior instructors) who will enroll and attend school for a minimum of twenty-five (25) hours per week because he has closed the school.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith stating that Mr. Knox will be required to apply for a new school and submit proper documentation. Motion carried unanimously.

An application for examination from Stephanie Hall was submitted to the board office. Ms. Hall enrolled in the cosmetology curriculum at Collierville High School August 16, 1999 and completed the cosmetology curriculum April 20, 2007 at Tennessee Academy of Cosmetology. The high school hours totaling (697) are no longer valid. Ms. Waller needs the Boards vote that this candidate will be required to complete additional hours to qualify for the cosmetology examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to advise the student of law 62-4-123, that she will need to take additional hours. Motion carried unanimously.

An application to purchase cosmetology instructor license from Ms. Elsie Mae Hurt-Wingfield was submitted to the board. Rule 0440-1-.10 states applicants are required to purchase license within six (6) months after the applicant is notified they have passed the examination or they must retest. The board was presented with a letter from Ms. Wingfield-Hurt as to her reason for not purchasing the license within the required period of time.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Hurt-Wingfield to retake her instructor examination to be licensed in the State of Tennessee. Motion carried unanimously.

A request for extension from the continuing educational instructor seminar for 2008 from Rhonda Shannon Harris due to the illness of her children was submitted to the office. A medical statement from Woods Memorial Hospital District was attached.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to grant Ms. Harris and extension and request she attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2007 continuing education instructor seminar from Phoebe Simmons was submitted to the office. This is the third time the Board has reviewed this request and they have requested she submit medical statement because she has stated she was unable to attend due to giving birth. The last medical statement she sent was from her OBGYN that states she had high risk complications of pregnancy which excused her from work or school from October 2006 to January 2007. She sent a birth certificate which states her child was born January 2007. Instructor seminars were

held in June, July and August of 2007. She stated to Ms. Waller on the phone her reason for non attendance was financial.

MOTION was made by Ms. June Huckleby and seconded by Ms. Linda Colley to deny the request for extension. Motion carried unanimously.

A request for extension from the 2007 continuing education seminar from Blenna Williams was submitted to the office. She states she missed the seminar because she was going thru a divorce.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to deny the request for extension. Motion carried unanimously.

A request for extension from the 2007 continuing education seminar from Talisa L. Davidson was submitted to the office. She states she was confused as to what seminar she was supposes to attend.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to deny the request for extension. Motion carried unanimously.

A request for extension from the 2008 continuing education seminar from Estelle Wanda Lewis was submitted to the office. A physician statement was attached.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant an extension and require that Ms. Lewis attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2008 continuing education seminar from Brenda Elaine Diggs was submitted to the office. She states due to family issues she was not able to attend the seminar. Ms. Waller informed the board she has additional information if they would like to review.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to deny the request for extension. Motion carried unanimously.

A request from Greg Edwards, Director of Cosmetology/Aesthetics at Virginia College for approval of Pivot Point Member School Training for instructor's required continuing education hours. He has submitted record of attendance for 40 hours for Patricia Jennings, Kathy Guess and Lewis Richards who were not required to attend the seminar until 2009. He has submitted record of attendance for Greg Edwards 40 hours and Christin Taylor 24 hours who are required to attend in 2008.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to deny the request for the extensions. Motion carried unanimously.

A request from Elaine Cassel Olivito for approval of 40 hours of continuing educational hours she obtained at the Pivot Point program at Virginia College. She states in her letter she was not aware she needed to obtain CEU's and as a result she did not and it was completely unintentional.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant an extension and require Ms. Olivito attend the 2008 (August 10 & 11, 2008 in Nashville) and 2009 instructor seminars. Motion carried unanimously.

A letter from Karri Watts Kelly who is having a difficult time passing the practical portion of the cosmetology examination was submitted to the office. She has passed the theory portion but has taken the practical examination three (3) times. Ms. Waller stated she has no idea what the board can do because there are not special accommodations for the practical portion of the examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Kelly send a medical statement and a letter be sent to PSI requesting special accommodations. Motion carried unanimously.

An application for reciprocity of aesthetician license from Oregon for Diana Tran was submitted to the board. Ms. Waller contacted the Oregon Board and to be licensed as an aesthetician you must have completed 500 hours. The certification states after January 1, 1996 you must contact the school which the applicant graduated to obtain transcript hours. She obtained her license March 13, 2008 so no five year work history is provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to require Ms. Tran to return to school for an additional 250 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from Carine Harris from Alaska was submitted to the board. Certification from the State of Alaska Department of Commerce states she completed a twelve (12) hour course and exam pertaining to health, safety and hygiene concerns and related to the practice of manicuring. She was originally licensed December 2006 and her education was a ten (10) month apprenticeship at Studio La Tulipe LLC.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Harris to provide documentation of husband in the military, due to Ms. Harris working on the military base. Once documentation is provided the board will review at the October 6, 2008 board meeting. Motion carried unanimously.

An application for reciprocity of cosmetology license from Gustavo Franco from Florida was submitted to the board. Certification from the state of Florida is 1,200 hours of instruction and original license issued July 8, 2004 so no five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to require Ms. Franco to obtain 300 additional hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Teriann Turbyfill from North Carolina was submitted to the board. Certification from the North Carolina State Board is 1,200 hours of instruction and original date of license as November 20, 2006, so no five year work history was provided.

MOTION was made by Ms. Linda Colley and seconded by Ms. Janet Wormsley to request Ms. Turbyfill obtain another 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Crystal Marie Baker from Pennsylvania was submitted to the board. Pennsylvania requires 1,250 hours of instruction and her original date of licensing is March 27, 2008 so no five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to require Ms. Baker to obtain an additional 250 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Courtney Hughes from North Carolina was submitted to the Board. Certification from the North Carolina states 1,200 hours of instruction and the original date of licensing as June 16, 2005 so no five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to require Ms. Hughes to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Judith A DeRosa from New Jersey was submitted to the office. Certification from the New Jersey Board states she completed 1,200 hours of instruction and her original date of licensing as April 12, 1977. She has a letter attached which explains she does not have a recent and consistent five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to require Ms. DeRosa to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Mwangi Vasser from Wisconsin was submitted to the office. The State of Wisconsin has combined boards and he is licensed as barber or cosmetologist. Education is two (2) years of no less than 4,000 hours in the apprenticeship program. He was required to pass an examination. He has appeared before the Barber Board in Tennessee and explained the apprenticeship program and was approved for barber license in Tennessee.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Linda Colley to request Mr. Vasser appear before the board at the next meeting. Motion carried unanimously.

An application for reciprocity of cosmetology license from Florida for Tammy Sauls was submitted to the office. Certification from the Florida State Board verifies 1,200 hours of instruction in the cosmetology curriculum and original date of licensing as January 16, 1991. No recent and consistent five year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to require Ms. Sauls to obtain an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of aesthetician license from Karlein Davis from South Africa was submitted to the office. This application was presented at the June 5, 2008 meeting and the board voted to table the application until the next meeting due to the absence of Judy Golden, Board member that has the esthetics background. Documents she provided show she has 1,300 hours the 1st year - 2002 and 1,300 the 2nd year at South African Academy for Health and Skin Care.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to require Ms. Davis to take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Qingzhen Li from China was submitted to the office. Certificate translated states she has undergone a course of practical and theoretical training in the subjects of hair designer and has satisfied the requirements of the examiners. Subjects listed show she completed 1,500 hours.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to require Ms. Li take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Maria M Lemley from the Dominican Republic was submitted to the office. The applicant was approved by the Board of Cosmetology to set for the state board cosmetology examination December 4, 2006 and apparently she did not take the examination, but has placed another application



for reciprocity. Ms. Waller stated from what she has been able to determine nothing has changed since the first application for reciprocity.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden that the decision of the board stands. Motion carried unanimously.

An application for reciprocity of manicurist license for Thuong Huyen Nguyen from Vietnam was submitted to the board. Certification from The Socialist Republic of Vietnam states her specialty was manicuring, the time was 700 hours and she obtained her license in 2004.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to require Ms. Nguyen take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license for Petra Anna Carey from Germany was submitted to the office. Documents indicate the program she participated in was apprenticeship and she was required to take an examination which she passed June 24, 1991. A letter of employment from Hair Salon Eleganz from August 1991 – December 31, 1995 was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to require Ms. Carey to take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Nelson Ricardo Aleman from The Republic of Honduras was submitted to the office. Documents state he satisfied the requirements of the course Beauty and Cosmetology taken at Victoria Academy and was entitled to this diploma of Sculptor of Beauty and Stylist, November 30, 1990. A letter of one (1) year work history was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to send letter requesting more information before the board will make a decision. Motion carried unanimously.

A request from Kim Guinn with Jenny Lea Academy of Cosmetology concerning Tsehay Masresha who is a licensed cosmetologist in Ethiopia and would like to become a license cosmetologist in Tennessee. Certificate from Lovely Beauty Salon & Training Center states credit hours, grade and points in beauty school and certificates also states she completed a ten (10) month cosmetology course.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to require more information from the school in Ethiopia as to if the hours are clocked hours, credit hours or etc. Motion carried unanimously.

A request from Levon Holman Hair Styling Coach to add his four step technique and five pin up do to the board to become a requirement to pass the board so that it will be incorporated in the Beauty School's curriculum which will enhance each student's abilities to cross cultural boundaries.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to deny the request for new hair style techniques. Motion carried unanimously.

Tennessee Cosmetology proposed changes for the examination. Does the board have any questions or comments? This was presented at the June Board meeting but the board did not have a chance to read and review.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to remove 1) Safety Criteria that Do Not Apply from the student candidate brochure. Motion carried unanimously.

Memphis Instructor Seminar evaluations were presented to the board members. Ms. Waller stated she will have to say this was a good seminar. Ms. Waller stated she has one issue she would like to discuss with the Board because the Seminar Representative discussed this with her. Ms. Waller stated they had a problem with late arrivals the seminar documented this and the late arrival ranged between 11.5 hr to 15.75. Ms. Waller stated she has received emails ranging from flat tires, to wrong directions and she did receive copies of a police report for an accident for one (1) instructor. Ms. Waller's suggestion would be that she will address this issue at the beginning of each seminar, starting at the next seminar, on an ongoing basis. Ms. Waller stated she feels this is very important because once a presentation begins it is disruptive for other attendee's, when people come in late with McDonald cups and she hopes this is not a everyday occurrence in the classroom with students.

The board stated that if a student is late they must make up the time next year.

Ms. Beverly Waller, Executive Director stated the new rules took effect July 16, 2008.

A request for extension from the 2007 instructor seminar from Kelly Lynn Donoho was submitted to the office. She stated she did not realize she was required to attend the seminar and thought she had until December 2008.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Linda Colley to deny the request for extension. Motion carried unanimously.

A request from Miller Motte Technical College Clarksville for expansion of their existing facility in the esthetics department was submitted to the office. They would like to request a board member visit the three (3) possible sites for the expansion and approval.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to have Ms. Linda Colley, Board Member inspect the locations. Motion carried unanimously.

A request from Nestle Beauty School for approval to offer the instructor curriculum was submitted to the office. The curriculum will be taught by Carolyn Russell.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to approve the instructor curriculum to be taught at the school. Motion carried unanimously.

An application for a new school of cosmetology, Remington College - Memphis Campus at 2710 Nonconnah Blvd. in Memphis, TN was submitted. They have submitted twenty (20) applications/ enrollment agreements, floor plan and surety bond.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to send Mr. Jerry Biddle, Inspector and Ms. Pearl Eva Walker to inspect the school. Motion carried unanimously.

An application for reciprocity of manicurist license for Lindsey Michelle Beattie from Florida was submitted to the office. Certification from the State of Florida states she is licensed as a nail specialist as of June 28, 2006, so no five year work history was provided. Florida requires 240 hours of instruction.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to require Ms. Beattie to return to school for an additional 260 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Batol Jasem Mohammed was submitted to the office. The application was originally submitted to the Board for review on February 6, 2008 and the board voted she would be required to complete 1,500 hours of instruction in the cosmetology curriculum and pass the state board examination to qualify for a license. The applicant enrolled in Paul Mitchell the School Nashville and has completed 1,200 hours and also the applicant has recently furnished a statement that she completed 1,200 hours in Albasra City in the Republic of Iraq. This is different from the previous documents she submitted from the Republic of Iraq which stated she completed 745 hours. Hours from Paul Mitchell the School have not been released due to money owed.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to request Ms. Mohammed to obtain the additional 300 hours then take and pass the cosmetology examination to be licensed in the State of Tennessee. Motion carried unanimously.

A request for approval from Regency Beauty Institute to offer the Instructor curriculum was submitted to the office. They have submitted the proposed course curriculum and resumes of the primary and secondary instructors. The course will be offered as dictated by need and interest.

MOTION was made by Ms. Linda Colley and seconded by Ms. Pearl Eva Walker to approve the curriculum. Motion carried unanimously.

An application for approval to take the state board manicurist examination from Anh Thi Bich Le was presented to the Board at the June 2, 2008 meeting. March 2008 the applicant had submitted an application for reciprocity of manicurist license from California which requires 400 hours of instruction and she had only been licensed since October 6, 2005, so no five year work history was available. Ms. Waller advised the applicant she would be required to completed 200 hours of instruction in the manicurist curriculum and pass the state board manicurist examination to qualify for license in Tennessee. May 2008 board office received an application for examination with certification from the State of Connecticut with completion of 200 hours of instruction in the manicurist curriculum from Visions Academy of Hairdressing in Connecticut with dates of enrollment as January 5, 2008 and February 25, 2008. These dates are all prior to the application for reciprocity which was initially placed and Ms. Waller discussed with applicant and the applicant indicated she only had 400 hours which was what California required. Ms. Waller presented this to the board at the June meeting and the Board required her appearance. The applicant was not on the agenda to appear before the board because she did not contact me to confirm she would be attending until July 28, 2008 after the agenda had been prepared, approved and mailed. After several attempts, Ms. Waller contacted Visions Academy of Hairdressing and was told the nail class is only 35 hours. In checking with NIC Connecticut requires 1,500 Hairdresser, 600 Electrologist and that is all. Manicuring is covered in the cosmetology curriculum.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request Ms. Le take 200 additional hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request from Ronneisha Hill-Kelly for obtaining shampoo technician license in Tennessee was submitted to the office. She advises in her letter she is licensed as a shampoo technician in Alabama and the process of obtaining the license is apprenticeship in a shop. Ms. Waller contacted the Alabama State Board of Cosmetology and was advised applicants fill out an application, pay \$40.00 and they can go to work in a shop as a shampoo assistant in a shop.

MOITON was made by Ms. Linda Colley and seconded by Ms. June Huckleby to deny hours and require she obtain a shampoo license in the State of Tennessee. Motion carried unanimously.

Consent orders totaled \$1,500.00.

Respondent: Nail Expo, Kingsport, TN  
Violation: Unlicensed individual  
Action: Assessed \$1,000.00 Civil Penalty

Respondent: Tina's Salon for Nails, Nashville, TN  
Violation: Expired operator license  
Action: Assessed \$500.00 Civil Penalty

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to approve the consent orders. Motion carried unanimously.

### **STAFF ATTORNEY REPORT**

AMENDED ITEMS: #4), #7, #14, #27, #32, #36, #44, #53, #60, #63 (no changes, but note that Judy Golden recused herself from voting and discussion),

1. Case No. L-08-COS-RBS-200801201-1

May 9, 2008 Notice of Violation reports unlicensed activity. The Notice indicates that the inspector observed a man performing a license-required service in the pedicure area upon the inspector's arrival.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

2. Case No. L-08-COS-RBS-200801202-1 (June Huckleby and H.D. Adcock to recuse)

May 13, 2008 Notice of Violation reports that Respondent school permitted a student to receive approximately 286 hours of instruction at Respondent school without requiring the student to provide adequate proof of educational qualification to attend Respondent school.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

3. Case No. L-08-COS-RBS-200800990-1

April 8, 2008 Notice of Violation reports inadequate observance of sanitation guidelines. The inspector provided photographs of the salon interior. It was profoundly cluttered and dirty.

*Prior History*

*Warning-6/12/98 (dirty shop)*

*Violation-8/7/98 (dirty shop), paid \$300.00*

*Warning 1/22/03 (dirty shop)*

*Warning 5/5/04 (dirty shop)*

*Warning 8/10/05 (dirty shop)*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$6,000.00 civil penalty.

4. Case No. L-08-COS-RBS-200800993-1

April 3, 2008 Notice of Violation reports that no manager was present while services were being rendered. The Inspector observed that a licensed individual was providing a manicure to a customer in Respondent shop while no manager was present and on duty.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

FINAL ACTION: Amended to lower the civil penalty to \$500.00.

5. Case No. L-08-COS-RBS-200800994-1

April 4, 2008 Notice of Violation reports unlicensed activity. The inspector observed an individual providing license required services in Respondent shop without a valid Tennessee-issued license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

6. Case No. L-08-COS-RBS-200800996-1

April 2, 2008 Notice of Violation reports unlicensed activity. The inspector observed an individual providing license required services in Respondent shop without a valid, Tennessee-issued license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

7. Case No. L-08-COS-RBS-200801138-1

April 29, 2008 Notice of Violation reports improper display of a license. The inspector observed that an individual was providing haircut service to a customer in Respondent shop while a copy of her license was posted in Respondent shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

FINAL ACTION: Issue a CEASE and DESIST letter concerning the license copy along with the Consent Order and civil penalty.

8. Case No. L-08-COS-RBS-200800781-1

March 19, 2008 Notice of Violation reports unlicensed activity. The inspector observed that the owner of Respondent shop was operating a shop and providing service to customers at inspection time without a valid, Tennessee-issued cosmetology or natural hairstyling facility/shop license.

Recommendation: Issue a CEASE and DESIST letter and refer to proper authorities.

9. Case No. L-08-COS-RBS-200801220-1

May 14, 2008 Notice of Violation reports sanitation and licensing issues. The inspector observed that the ultra violet sanitizer in Respondent shop needed repair and did not function, that shampoo bowls were littered with hair and brushes and combs were left there. Also, the inspector noted that one stylist was not wearing proper identification at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

10. Case No. L-08-COS-RBS-200800848-1

Consumer alleges in a March 30, 2008 complaint that a nail technician working in Respondent shop injured the top of her foot while giving her a pedicure. Consumer alleges that her injury required medical attention, and was aggravated by Respondent shop's failure to observe appropriate sanitation practices in treating her injury. Respondent, through counsel states that the technician employ by Respondent shop may have caused the consumer's foot to become injured during the pedicure, but that the aggravation of the injury was due to the consumer's refusal to follow Respondent's instructions for caring for the injury and the consumer's lack of proper hygiene. Litigation between the Respondent and the consumer is pending.

Recommendation: Defer action pending the outcome of the litigation.

11. Case No. L-08-COS-RBS-200801051-1

Consumer complaint filed on April 24, 2008 alleges that Respondent shop technician refused service to the consumer because she exceeded the weight limit

for the new manicure/pedicure chairs that Respondent had recently purchased. Consumer states that Respondent shop technician informed her of the policy and then inquired as to her weight within the hearing range of other customers, causing her to be embarrassed. The Respondent shop owner states that the new policy regarding weight limit was posted in the customer reception area, and that the policy was enacted to ensure customer safety. Respondent shop owner states that Respondent shop technician did not inquire as the consumer's weight, stating that such "is not an act of [sic] a professional technician will do."

Recommendation: Close with a letter of instruction addressing the importance of professional courtesy.

12. Case No. L-08-COS-RBS-200801236-1

Student complaint alleges that students are receiving inadequate instruction and that they are being taught by under qualified instructors. This school has several student complaints alleging similar problems with instruction and faculty qualification. Current employee complaint also alleges unlicensed activity, alcohol consumption on school premises, and instructor violence toward customers.

Recommendation: Authorize formal hearing.

13. Case No. L-08-COS-RBS-200801131-1

April 18, 2008 Notice of Violation reports unlicensed activity. Respondent's personal cosmetology license had been expired since June 30, 2007 at the time the inspector visited Respondent shop. Respondent's license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

14. Case No. L-08-COS-RBS-200801133-1

April 16, 2008 Notice of Violation reports that the Respondent's personal license had been expired since March 31, 2008 and that license for Respondent shop had been expired since October 31, 2007. Both licenses are now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

FINAL ACTION: Amended to raise the civil penalty to \$1,000.00.



15. Case No. L-08-COS-RBS-200801134-1

May 2, 2008 Notice of Violation reports failure to display license at the worker's work station. The inspector observed Respondent shop manager providing license-required cosmetology service at Respondent shop without her license posted. The manager stated that she works at multiple locations of Respondent shop and neglected to bring her license with her. The manager was wearing her identification tag.

Recommendation: Close with a letter of warning.

16. Case No. L-08-COS-RBS-200801135-1

April 16, 2008 Notice of Violation reports unlicensed activity. The inspector observed an individual practicing cosmetology while in possession of a personal license which had expired on January 31, 2008. The license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

17. Case No. L-08-COS-RBS-200801137-1

April 22, 2008 Notice of Violation reports unlawful operation of a cosmetology shop. The inspector observed licensees working in Respondent shop while the shop's license was expired. The license was expired as of February 28, 2008.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

18. Case No. L-08-COS-RBS-200801139-1

April 16, 2008 Notice of Violation reports licensing and sanitation violations. The inspector observed one nail tech performing a pedicure while licensed as a Master Barber only. Another individual, who is licensed in the District of Columbia, was performing a pedicure without a valid, Tennessee board-issued license. The inspector found that there was pink residue and debris inside pedicure tubs. The inspector further observed that the individuals working were not wearing name tags.

*Prior History*

*Violation, 10/27/04 (wax machine), paid \$300.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,500.00 civil penalty.

19. Case No. L-08-COS-RBS-200801140-1

April 25, 2008 Notice of Violation reports a licensing violation. The inspector observed Respondent shop owner providing license-required service while her personal license was expired. The license had been expired since August 31, 2007. The license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

20. Case No. L-08-COS-RBS-200801141-1

April 18, 2008 Notice of Violation reports unlawful operation of a cosmetology shop. The inspector observed Respondent shop open and operating while the license for such shop had been expired since September 30, 2007. The license for Respondent shop remains delinquent.

*Prior History*

*Violation, 6/3/98 (shop license expired), paid \$300.00*

*Violation, 3/3/04 (violation unspecified), paid \$600.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

21. Case No. L-08-COS-RBS-200801142-1

May 1, 2008 Notice of Violation reports failure to observe sanitation rules. The inspector observed that Respondent shop owner did not properly clean the jets and filters on pedicure spa chairs. Inspector reports that Respondent shop owner told him that she did not know the proper procedure for cleaning the jets and filter. Inspector observed Respondent shop owner giving pedicure service without be able to properly remove and clean the jets and filters. Inspector also observed that fish in a tank were kept in Respondent shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,500.00 civil penalty.

22. Case No. L-08-COS-RBS-200801145-1

April 17, 2008 Notice of Violation reports failure to observe sanitation rules and presence of prohibited items. The inspector observed that there was nail dust and nail trimmings on the floor of Respondent shop. The inspector also observed that manicuring tools and implements were not sanitized and stored after use. The inspector found three chairs where mold and lint buildup were present. The inspector also found a wax machine in the manicuring salon.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$4,500.00 civil penalty.

23. Case No. L-08-COS-RBS-200801146-1

May 2, 2008 Notice of Violation reports unlicensed activity and presence of prohibited items. The inspector observed an individual performing a pedicure who stopped working and left the building upon her entry. The manager failed to retrieve the individual so that she could identify herself. None of the four individuals that the inspector observed providing license-required services was wearing a name tag. The inspector also found a wax machine in the manicuring salon.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,750.00 civil penalty.

24. Case No. L-08-COS-RBS-200801149-1 (June Huckleby and H.D. Adcock to recuse)

May 6, 2008 Notice of Violation reports violation of recordkeeping rules. Inspection revealed that the Respondent failed to maintain student records showing that each student was qualified to attend school on the basis of age and educational attainment.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

25. Case No. L-08-COS-RBS-200801199-1

April 26, 2008 Notice of Violation reports unlicensed activity. The inspector observed a unlicensed individual providing license-required services at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

26. Case No. L-08-COS-RBS-200801200-1

April 26, 2008 Notice of Violation reports unlicensed activity. The inspector observed two (2) unlicensed individuals providing license-required services at inspection time.

*Prior History*

*Violation, 6/08/05 and 8/24/05 (expired operator license), paid \$3,000.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$4,000.00 civil penalty.

27. Case No. L-08-COS-RBS-200801470-1

May 7, 2008 Notice of Violation reports licensing and oversight violations. The inspector observed a nail technician performing nail service while no manager was present. The inspector further observed that the nail technician's license was not posted at the station where she was providing the service, but was left behind at another store location.

*Prior History*

*Violation, 8/16/97 (unlicensed manicurist), paid \$500.00*

*Violation, 1/29/02 (expired operator license), paid \$300.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

FINAL ACTION: Amended to raise the civil penalty to \$1,000.00.

28. Case No. L-08-COS-RBS-200801471-1

May 14, 2008 Notice of Violation reports a licensing violation. The inspector observed an individual in possession of an expired cosmetology license providing license-required service at inspection time. The license had been expired since September 30, 2007 at inspection time and has now been made current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

29. Case No. L-08-COS-RBS-200801472-1

May 14, 2008 Notice of Violation reports a licensing violation. The inspector observed that the salon license was not posted. The inspector also observed one (1) cosmetologist working at inspection time who was not wearing an ID tag.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

30. Case No. L-08-COS-RBS-200801473-1

May 14, 2008 Notice of Violation reports activities beyond the scope of licensure. The inspector observed that two (2) wax machines were present in the manicuring salon along with various tools used to provide waxing service. Both machines were hot and ready for use.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

31. Case No. L-08-COS-RBS-200801474-1

May 21, 2008 Notice of Violation reports a licensing violation. The inspector observed that the shop license was expired at inspection time. The shop license had been expired since October 31, 2007. The shop license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

32. Case No. L-08-COS-RBS-200801476-1

May 22, 2008 Notice of Violation reports licensing and sanitation issues. The inspector observed the following:

- 1) that dirty towels were left at the sink
- 2) that paper towels and toilet paper were not provided in the appropriate areas,
- 3) that a number of service-related tools were not properly sanitized and placed in closed containers
- 4) that a dirty towel was placed in an open container
- 5) that there was dirt and rust present under the foot rest of a pedicure table

The inspector further observed that two nail techs were not wearing proper identification.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,500.00 civil penalty.

FINAL ACTION: Amended to raise the civil penalty to \$4,000.00.

33. Case No. L-08-COS-RBS-200801477-1

May 23, 2008 Notice of Violation reports licensing issues. The inspector observed an unlicensed individual providing pedicure service to a client upon her arrival. The inspector also observed that a licensed employee had failed to post her license at her work station.

*Prior History*

*1/24/08- Violation, bed in shop, MMA, lack of ID, dirty floors, paid \$2,500.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00.

34. Case No. L-08-COS-RBS-200801478-1

May 23, 2008 Notice of Violation reports improper signage at a cosmetology shop. The inspector observed that a barber pole is mounted on the building which houses Respondent cosmetology shop. Inspector reports that she had previously advised the owner that a barber pole could not be erected at the location unless the shop became registered as a barber shop also.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty. Issue a letter directing Respondent to CEASE AND DESIST displaying the barber pole.

35. Case No. L-08-COS-RBS-200801479-1

May 27, 2008 Notice of Violation reports activities beyond the scope of licensure. The inspector observed that a wax machine, with implements commonly used in waxing, were present in the manicuring salon.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$750.00 civil penalty.

36. Case No. L-08-COS-RBS-200801480-1

May 28, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual performing nail service on a client at inspection time. The individual stopped performing the service and exited the building upon the inspector's entry into the shop.

*Prior Violations*

*2/14/06-Violation, unlicensed operator, paid \$500.00*

*11/05/07-Violation, unspecified, letter of warning issued*

*8/22/07-Violation, unlicensed operator, paid \$2,000.00*

*1/09/08- Violation, unlicensed operator, paid \$2,000.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order stipulating to a three (3)-month suspension of the shop license and payment of a \$2,000.00 civil penalty.

FINAL ACTION: Amended to raise the civil penalty to \$3,000.00.

37. Case No. L-08-COS-RBS-200801481-1

May 29, 2008 Notice of Violation reports premature operation of a shop. The inspector observed the shop owner operating a new cosmetology shop prior to the initial inspection.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

38. Case No. L-08-COS-RBS-200801482-1

May 29, 2008 Notice of Violation reports activities beyond the scope of licensure. The inspector observed that Respondent owner spoke to Respondent employee upon the inspector's arrival, after which the employee proceeded to a room in the rear of the manicuring salon and attempt to cover a wax machine with a towel.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

39. Case No. L-08-COS-RBS-200801483-1

May 21, 2008 Notice of Violation reports activities beyond the scope of licensure and various sanitation issues. The inspector observed that a bed was present (used for waxing purposes) in the manicure salon as well as wax machine that had apparently been used in the shop. The inspector observed further nail drill bits and nail duster and were properly stored and that there was excessive nail dust in the tool storage drawers.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,250.00 civil penalty.

40. Case No. L-08-COS-RBS-200801494-1

June 3, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing natural hairstyling service to a client in an unlicensed facility.

Recommendation: Issue and CEASE and DESIST letter and refer to the proper authorities.

41. Case No. L-08-COS-RBS-200801495-1

June 4, 2008 Notice of Violation reports unlicensed activity. The inspector observed an individual providing cosmetology services who identified herself as a person who does possess a valid cosmetology license, according to our records. The individual could not provide identification to verify that she was who she represented herself to be.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

42. Case No. L-08-COS-RBS-200801496-1

May 30, 2008 Notice of Violation reports a licensing violation. The inspector observed an individual providing haircut service while in possession of a license that had been expired since May 31, 2006. The license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

43. Case No. L-08-COS-RBS-200801497-1

June 5, 2008 Notice of Violation reports unlicensed activity and a licensing violation. The inspector observed the shop owner's daughter providing a pedicure-related service without a valid, Tennessee-issued cosmetologist's or manicurist's license. The inspector also observed that the owner was not wearing an identification tag.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

44. Case No. L-08-COS-RBS-200801498-1

June 6, 2008 Notice of Violation reports a licensing violation. The inspector observed that Respondent was open for business while the cosmetology shop license had been expired since December 31, 2006. The license remains expired.

Recommendation: Issue a CEASE and DESIST operating letter and Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

FINAL ACTION: Amended to raise the civil penalty to \$2,500.00.

45. Case No. L-08-COS-RBS-200801499-1

June 6, 2008 Notice of Violation and June 27, 2008 Notice of Violation reports sanitation violations and unlicensed activity. The June 6 inspector observed that four of the pedi-tub drains were dirty and the June 27 inspector observed that two (2) individuals were providing license-required services while in possession of valid licenses issued by the State of Florida. Both of the unlicensed individuals were wearing ID tags that properly belonged to other individuals who are licensed by the Board.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$5,000.00 civil penalty.



46. Case No. L-08-COS-RBS-200801501-1

June 10, 2008 Notice of Violation reports a licensing violation. The inspector observed that a personal cosmetology license that had been expired since November 30, 2006 was hanging in the shop at inspection time. The licensee named on the expired license was not present at inspection time. The license is now current.

Recommendation: Issue a strong letter of warning

47. Case No. L-08-COS-RBS-200801221-1

48. Case No. L-08-COS-RBS-200801502-1

June 12, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing haircut service to a client.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

49. Case No. L-08-COS-RBS-200801503-1

June 20, 2008 Notice of Violation reports unlicensed activity. The inspector observed that an unlicensed individual was providing haircut service in a facility where the license for such facility had been expired since November 30, 2007. The facility license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

50. Case No. L-08-COS-RBS-200801504-1

July 1, 2008 Notice of Violation reports unlicensed activity. The inspector observed that an unlicensed individual was providing pedicure service upon his arrival.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

51. Case No. L-08-COS-RBS-200801506-1

June 3, 2008 Notice of Violation reports a licensing violation. The inspector observed a licensee providing service to a client while the shop license was expired. The shop license had been expired since October 30, 2007. The shop license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

52. Case No. L-08-COS-RBS-200801509-1

June 24, 2008 Notice of Violation reports sanitation issues and activities beyond the scope of licensure. The inspector observed the following:

- a) nail trimmings had not been swept from the floor;
- b) trash container did not have a cover;
- c) drill bits and nail duster were not properly stored;
- d) nail dust was found in drawers;
- e) a wax machine was found in the manicuring salon

*Prior History-*

*04/19/01-Violation, 2 unlicensed operators, paid \$1300.00.*

*06/22/07-Violation, 1 unlicensed operator, letter of warning issued.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,500.00 civil penalty.

53. Case No. L-08-COS-RBS-200801510-1

June 18, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual was providing pedicure service to a client.

*Prior History*

*06/09/05 & 02/11/06-Violation, unlicensed operators, paid \$1,000.00.*

*02/14/08 & 02/14/08-Violation, unlicensed operators, paid \$2,000.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order stipulating to a three (3)-month suspension of the shop license and payment of a \$2,000.00 civil penalty.

FINAL ACTION: Amended to raise the civil penalty to \$3,000.00.

54. Case No. L-08-COS-RBS-200801511-1

June 13, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual was providing pedicure service to a client.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

55. Case No. L-08-COS-RBS-200801512-1

June 13, 2008 Notice of Violation reports unlicensed activity. The inspector observed that one (1) unlicensed individual was providing pedicure service to a client and fled the building after inquiring of the inspector whether he was in the shop to check licenses. The inspector further observed one (1) individual, who is licensed as an aesthetician by the board, providing manicure service to a client in this manicure-only salon. The inspector spoke to the owner of the salon by phone and the owner indicated that he thought that the individuals observed were licensed.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,000.00 civil penalty.

56. Case No. L-08-COS-RBS-200801513-1

June 6, 2008 Notice of Violation reports unlicensed activity. The inspector observed that three (3) individuals who were providing manicure service to clients fled the manicure salon and did not return during the inspection after he asked to see their licenses. The manager of the salon indicated that the individuals who fled were friends who were "helping out for the day".

*Prior History*

*01/05/02-Violation, unlicensed operator, paid \$500.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$4,000.00 civil penalty.

57. Case No. L-08-COS-RBS-200801514-1

June 6, 2008 Notice of Violation reports activities beyond the scope of licensure. The inspector observed that a wax machine and implements used for waxing were present in this manicure-only salon.

*Prior History*

*06/05/07-Violation, unlicensed operator, paid \$500.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

58. Case No. L-08-COS-RBS-200801511-1

June 3, 2008 Notice of Violation reports a licensing violation. The inspector observed that the shop owner was providing license-required service in the manicuring salon while in possession of a personal license that had been expired since January 31, 2008. The license is now current.

*Prior History*

*04/27/00-Violation, regarding §62-4-112, paid \$300.00.*

*06/22/06-Violation, waxing, paid \$500.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

59. Case No. L-08-COS-RBS-200801516-1

June 28, 2008 Notice of Violation reports unlicensed activity. The inspector observed that the unlicensed shop owner was providing license-required service in an unlicensed facility.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00.

60. Case No. L-08-COS-RBS-200801607-1

July 7, 2008 Notice of Violation reports licensing violation. The inspector observed that the shop owner was providing cosmetology services to a patron while the shop license was expired. The license has been expired since February 28, 2008 and remains expired as of August 1, 2008.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00. Send letter ordering shop to CEASE and DESIST operating.

FINAL ACTION: Amended to raise the civil penalty to \$2,000.00.

61. Case No. L-08-COS-RBS-200801608-1

July 10, 2008 Notice of Violation reports unlicensed activity in an unlicensed facility. The inspector observed an unlicensed individual providing natural hairstyling service to a patron in an unlicensed facility where a bed was present.

Recommendation: Send a CEASE and DESIST operating letter and refer to proper authorities.

62. Case No. L-08-COS-RBS-200801609-1

July 8, 2008 Notice of Violation reports unlicensed activity, improper items on premises and lack of supervision. The inspector observed that two (2) unlicensed personnel were providing license-required service to patrons and that no manager or other responsible party was present while these services were being rendered. Further, the inspector observed that there was a bed present in the salon.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,500.00 civil penalty.

63. Case No. L-08-COS-RBS-200801611-1 (note: Judy Golden recused from discussion and voting)

July 8, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing manicure service to a patron. The unlicensed individual stated to the inspector that he was awaiting an approval letter from the Tennessee state board. The board office informed the inspector that no paperwork had been received or processed for the individual.

*Prior History*

*09/22/99-Violation, Lack of manager supervision, paid \$500.00*

*11/16/04 and 07/08/05-Violation unspecified, paid \$2,000.00*

*08/01/06-Violation, unlicensed or expired shop license, paid \$250.00*

*08/07/07-Violation, unlicensed operator, paid \$1,000.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,000.00 civil penalty.

64. Case No. L-08-COS-RBS-200801612-1

July 10, 2008 Notice of Violation reports unsanitary shop conditions. The inspector observed that work stations were improperly kept and that trash containers were not covered as required.

*Prior History:*

*11/05/07-Violation, expired shop license, paid \$150.00*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

65. Case No. L-08-COS-RBS-200801516-1

July 9, 2008 Notice of Violation reports unlicensed activity. The inspector observed the shop owner providing license-required service to a patron without a valid board-issued license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

66. Case No. L-08-COS-RBS-200801639-1

July 16, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual run out of the salon upon his entry. Customers in the salon confirmed that the individual had been performing license-required services before the Inspector's entry.

*Prior History:*

*06/08/02- Violation, unlicensed operator, paid \$500.00.*

*08/07/02 and 11/01/02- Violation, unlicensed operator, paid \$600.00.*

*04/24/07- Violation, unlicensed operator, paid \$750.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$3,000.00.

67. Case No. L-08-COS-RBS-200800247-1

Consumer complaint alleges that she received a scabies infection while receiving service in this shop. She also states that she has witnessed patrons with lice infestations receiving service and that the salon charges black customers twice the amount that white customers are charged for services.

Recommendation: Close with no action.

68. Case No. L-08-COS-RBS-200800582-1

An anonymous complaint alleges that a student who is infected with the HIV virus is performing work on patrons at a licensed school. The school owner states that the school follows all sanitation guidelines and that the student referenced does not have any parasitic infestation or disease in a communicable stage.

Recommendation: Close with no action.

69. Case No. L-08-COS-RBS-200800783-1

March 5, 2008 Notice of Violation reports licensing violations. The inspector observed two (2) individuals who are unlicensed in Tennessee providing braiding service to a patron in an unlicensed facility.

Recommendation: Issue a CEASE and DESIST letter; refer to proper authorities.

70. Case No. L-08-COS-RBS-200800849-1

March 28, 2008 Notice of Violation reports improper use of a licensed shop and interference with a lawful inspection. The inspector visited this licensed shop after

receiving reports that the owner was living in the shop. When he visited the shop and requested access to the entire shop, the owner refused.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty. Issue a CEASE and DESIST letter regarding the interference issue.

71. Case No. L-08-COS-RBS-200801555-1

June 27, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing license-required service to a patron.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00

72. Case No. L-08-COS-RBS-200801556-1

July 2, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing license-required service to a patron.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00.

73. Case No. L-08-COS-RBS-200801557-1

July 3, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing license-required service to a patron.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00.

74. Case No. L-08-COS-RBS-200801565-1

July 3, 2008 Notice of Violation reports unlicensed activity. The inspector observed an unlicensed individual providing license-required service to a patron.

*Prior History*

*09/27/06-Violation, unlicensed operator, paid \$500.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00.

75. Case No. L-08-COS-RBS-200801566-1

July 2, 2008 Notice of Violation reports licensing violation. The inspector observed that a license where the expiration date had been altered was hanging in

the shop. The individual to whom the license belonged was not present in the shop.

*Prior History*

*02/14/96-Violation, unlicensed operator, paid \$1000.00.*

*06/17/98-Violation, unspecified, paid \$800.00.*

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00.

76. Case No. L-08-COS-RBS-200801560-1

July 3, 2008 Notice of Violation reports unsanitary conditions. The inspector observed that implements that were not in use were lying out and not sanitized. The inspector also observed that dead skin from client's feet was present at two (2) of the pedicure chairs. None of the operators were wearing name tags.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,500.00.

77. Case No. L-08-COS-RBS-200801551-1

June 26, 2008 Notice of Violation reports unlicensed activity. The inspector observed that five (5) unlicensed individuals were providing braiding service to patrons in a licensed facility. The inspector further reports that no shop owner or manager was present at inspection time and that the shop license was not conspicuously posted.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$5,000.00.

78. Case No. L-08-COS-RBS-200801440-1

Consumer complaint alleges that he was treated in a discriminatory fashion when he came to this shop for service with his service animal. He states that he was initially refused service because he was not blind and was not using a guide dog. He states that he argued with shop personnel concerning his rights under the ADA. The shop manager who interacted with the individual states that the individual was not refused service but was asked whether the dog that was with him was a service animal or pet, because the animal was not wearing any identification indicating that it was a service animal. The manager also indicated that she was concerned about permitting the dog to remain in the shop due to the unclean appearance of the animal.

Recommendation: Close with a letter of instruction, re: service animals.



79. Case No. L-08-COS-RBS-200801574-1

Consumer complaint alleges that she was overcharged for services after being told that a service would be a certain price over the phone.

Recommendation: Close with no action.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the recommendations with the changes on the above noted cases. Motion carried unanimously.

### **OTHER BUSINESS**

Ms. Judy Golden stated that social security cards need to be on file at the schools. Ms. Golden and Ms. Janet Wormsley stated that when they went to some of the schools the cards were not on file. Ms. Golden stated that they found an application with someone else's social security number. All examination applications must have a copy of a social security card.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to adjourn the meeting. Motion carried unanimously.